

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: January 12, 2006

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Land Use Services Division

SUBJECT: Public Hearing on Planning Application PA05-0059 for Coastal Development Permit

PROPOSAL: The applicant proposes to demolish an existing two-story, two-family rental building and construct a new 3-story, 2-unit condominium on a 2,699 square foot lot measuring approximately 30 feet x 90 feet. Each unit has a 2-car garage.

LOCATION: In the unincorporated community of Sunset Beach, at 16957 9th Street (9th and North Pacific). Second Supervisorial District.

APPLICANT: Robert and Marnie Moore, owners

STAFF: J. Alfred Swanek, Project Manager Phone: (714) 796-0140 FAX: (714) 667-8344

SYNOPSIS: Land Use Services Division recommends Zoning Administrator approval of PA05-0059 for Coastal Development Permit subject to attached Findings and Conditions.

BACKGROUND:

The subject site at the corner of North Pacific and 9th Street is developed with a 3,264 sq. ft. living space rental duplex with an attached 380 sq. ft. 2-car side by side garage accessed off the alley, built in 1970. The photo shows how the existing structure fits into its neighborhood.



SURROUNDING LAND USE:

Direction	Land Use Designation	Existing Land Use
Project Site	SBR “Sunset Beach Residential”	Duplex apartments
North	SBR “Sunset Beach Residential”	Single-family dwelling
South	SBR “Sunset Beach Residential”	Single-family dwelling and duplex
East	SBR “Sunset Beach Residential”	Two single-family dwellings
West	SBP “Sunset Beach Parking”	Community parking

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to each property owner of record within 300 feet of the subject site, the LCP Board of Review and the California Coastal Commission. Coastal Development regulations also require mailing of the notice to the resident of a house within 100 feet of the subject site. However, the Post Office in Sunset Beach does not deliver mail directly to the homes. All U.S. Postal Service delivery is through post office boxes at the Sunset Beach Post Office. To satisfy Coastal Development requirements, a Notice of Hearing was posted at the Sunset Beach Post Office. Additionally, a Notice of Hearing was posted at the site as well as the Osborne Building. A copy of the planning application along with a copy of the proposed site plan were distributed for review and comment to County divisions and the Sunset Beach LCP Review Board.

As of the writing of this staff report, no comments raising issues with the project that are not dealt with by recommended conditions of approval have been received from other County divisions. The Sunset Beach LCP Review Board recommended approval on October 24, 2005.

CEQA COMPLIANCE:

Negative Declaration No. PA050059 (Exhibit 2) has been prepared for this proposal. It was posted for public review and became final on December 2, 2005. Mitigation measures included in that document related to geology, drainage and construction noise have been transposed into recommended conditions of approval. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Zoning Administrator. Appendix A contains a recommended finding to that effect.

DISCUSSION/ANALYSIS:

Sunset Beach Residential development regulations permit the construction of a one-family or two-family dwelling on each legal building site. Whether the proposal is for a rental duplex under one ownership or two condominiums, approval of a Coastal Development Permit is always the required action. Specific Plan General Provision No. 14 states, without reference to the body hearing the matter, that Coastal Development Permits shall be processed per Zoning Code Section 7-9-118, and, per that text, to a hearing before the Zoning Administrator.

Each of the proposed condominiums will have a standard (non-tandem) two-car garage. Both units have the main living area and half-bath on the third floor, three bedrooms and two full baths on the second floor, and one bedroom with its own bath on the ground floor next to the garage. Central secondary stairway means of access and egress go from the third floor to the ground, with open garage storage at the ground level and closets at the second level below the long stairways.

There is a potential issue which occurs in areas like Sunset Beach that staff would like the Zoning Administrator to consider. There is a history within some of the beach communities of conversion of ground floor rooms, principally bedrooms, into independent living units thought the addition of simple “kitchenettes”. To address the possibility that a future owner might make such a conversion, staff recommends the Zoning Administrator include the following condition as part of the recommended action:

“Prior to issuance of building permits, the applicant shall record against title to the condominium legal description approved by the State Department of Real Estate a Declaration of Restrictions against the ground floor space being occupied by other than members of the same household occupying the second and third floors. The wording and proof of Recordation of said Declaration of Restrictions shall be to the satisfaction of the Planning Chief of the Development Processing Center.”

The following chart details the proposed development and required standards.

Development Standard	Proposed	Sunset Beach Requirement
Front setback, ground floor	5 feet	5 feet
Garage setback	5 feet	5 feet
Front setback, other floors	2 feet 6 inches	6 inches
Side setback, adjoining street	3 feet ground level; 6 inches above (except roof eaves)	3 feet ground level; 6 inches above
Side setback, adjoining others	3 feet (except roof eaves)	3 feet
Rear setback, ground floor	5 feet	5 feet
Rear setback, all other floors	2 feet 6 inches	6 inches
Building height	34 feet	35 feet
Off-street parking	2 standard spaces per unit	2 per unit, may be in tandem
Garage size	20 feet by 20 ½ feet	9 feet by 36 feet (each space 9 feet by 18 feet)
Open area	Total open area – 860 square feet (430 each unit) on roof, with no railings	180 square feet total for both dwelling units – may be on roof

As can be seen, the proposal complies in all areas except in terms of roof eaves which project fully to the property line on the North Pacific street side and to within 2 feet of the property line on the opposite side. Unlike any other area in the County, there are in Sunset Beach no provisions for roof eaves to extend closer to the property lines than the exterior walls of the residence(s). A condition is recommended to assure that the final plans comply with the setback requirements prior to permit issuance.

Since 2000, a total of 8 similar 3-story dual-condominium projects have been approved in the Sunset Beach Specific Plan area.

RECOMMENDED ACTION:

Land Use Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA05-0059 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Charles Shoemaker, Chief
LUSD/Site Planning Section

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Negative Declaration PA050059
3. Site Photos
4. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.